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liar acquaintance with all the philosophy of jurisprudence) strenuously opposed it. He made it evident to the good sense of the country members, who were intent upon this punishment, that the severity of the act would defeat its execution, and that a milder penalty would be a more effectual restraint. The subsequent experience of Pennsylvania compared with that of New Jersey (where in the same year the penalty of death was resorted to) fully proves the soundness of this opinion."

CERTAINTY BETTER THAN SEVERITY OF PUNISHMENT.

Facts afford substantial evidence, and avail more in argument, than the finest theoretical speculation. Horse-stealing has always been treated like the other kinds of simple larceny in New England and Pennsylvania: in all the states southward of Maryland, it is a capital crime. In the latter states the offence is as common as in the former, and in Virginia especially the effect is so feeble that of all crimes this is the most frequent. In New Jersey, at first it was felony of death: in 1769 the law was repealed: it was again revived in 1780: but after a few years experience the legislature was obliged to listen once more to the voice of humanity and sound policy. The unwillingness of witnesses to prosecute, the facilities, with which juries acquitted, and the prospects of pardon, created hopes of impunity, which invited and multiplied the offence. Bankbills have been several times forged in the State of New York, where the offence is capital, but in Pennsylvania the crime has never been committed, although the act which made it capital was repealed several years ago. In Connecticut the forging of continental bills of credit, was not capital and yet few were guilty of the crime, while it was much more frequent in Pennsylvania during the period when they punished with death.

Bradford on criminal law.

ORIGINAL POETRY.

UNE ODE PAR FENELON,
ARCHEVEQUE DE CAMBRAY.

MONTAGNES*, de qui l'audace
Va porter jusques aux Cieux
Un front d' eternelle glace;
Soutien du sejour des deux:
Dessus vos têtes chenuës
Je cueille, au dessus des nues,
Toutes les fleurs du Printems.
A mes pieds, contre la terre,
J'entens grondet la tonnere,
Et tomber mille torrens.

Semblables aux Monts de Thrace,
Qu'un Geant audacieux
Sur les autres Monts entasse
Pour escalades les Cieux,
Vos sommets sont des campagnes
Qui portent d'autres montagnes,
Et s'elevant par degrez,
De leurs orgueilleuses têtes
Vont affronter les tempêtes
De tous les vents conjurez.

Des que la vermeille Aurore
De ses feux etincelans
Toutes ces montagnes dore,
Des tendres agneux belans
Errent dans les pâturages;
Bientôt les sombres bocages,
Plantez le long de ruisseaux,
Et que les Zephirs agitent,
Bergers et troupeaux invitent
A dormir au bruit des eaux.

Mais dans ce rude paisage
Ou tout est capricieux,
Et une beauté sauvage,
Rien ne rappelle à mes yeux
Les bords que mon fleuve arrose,
Fleuve ou jamais le vent n'ose
Les moindres flots soulever,
Ou le Ciel serein nous donne
Le Printems aprés l'Automne
Sans laisser place a l'Hyver.

Solitude*, ou la riviere
Ne laisse entendre autre bruit
Que celui d'une onde claire,
Qui tombe écume, & s'enfuit;
Ou deux Iles fortunées,
De rameaux verds couronnées,
Font pour le charme des yeux
Tout ce que le cour desire.
Que ne puis-je sur ma lyre,
Te chanter du chant des Dieux.

* Montagnes d'Auvergne, ou il etoit alors.

* Carenac petite Abbaye sur la Dordogne qu'il avoit alors.

De Zephyr la douce haleine,
Qui reverdit nos buisons,
Fait sur le dos de la Plain,
Flotter les jaunes moissons,
Dont Cerès remplit nos granges.
Bacchus luimeme aux vendanges
Vient empourprer le raisin;
Et du penchant des collines,
Surles campagnes voisines,
Verse des fleuves de vin.

Je vois au bout des campagnes
Pleines de sillons dorez,
S'enfuir vallons & montagnes
Dans des lointains azurez,
Dont la bizarre figure
Est un jeu de la nature.
Sur les rives du Canal
Comme en un miroir fidelle,
L'Horizon se renouvelle,
Et se peint dans ce cristal.

Avec les fruits de l'Automne
Sont les parfums du Printems;
Et la vigne se couronne
De mille festons pendans.
Ce fleuve aimant les prairies
Qui dans des Iles fleuries
Ornent ses canaus divers,
Par des eaux ici dormantes;
Là rapides & bruyantes,
En baigne les tapis verds.

Dansant sur les violettes,
Le berger mêle sa voix
Avec le son des musettes,
Des flutes & des hautbois.
Oiseaux! par votre ramage
Tous soucis dans ce bocage
De tous cœurs sont effacez.
Colombes & tourterelles,
Tendres, plaintives, fidelles!
Vous seules y gemissez.

Une herbe tendre & fleurie
M'offre des lits de gazon:
Une douce reverie
Tient mes sens & ma raison:
A ce charme je me livre,
De ce nectar je m'enyvre,
Et les Dieux en sont jaloux.
De la cour flateurs mensonges,
Vous ressemblez à mes songes,
Trompeurs comme eux, mais moins deux.

A l'Abri des noirs orages,
Qui vont foudroyer les Grands,
Je trouve sous ces feuillages
Un azyle en tous tes lems:
Là, pour commencer à vivre
Je puise seul & sans livre
La profonde verité;
Puis la fable avec l'histoire
Viennent peindre à ma memoire
L'ingenue Antiquité.

Des Grecs je vois le plus sage,*
Jouët d'un indigne sort,
Tranquille dans son naufrage,
Et circonspect dans le port;
Vanqueur des vents en furie;
Pour sa sauvage Patrie
Bravant les flots nuit & jour.
O! combien de mon bocage
Le calme, le frais, l'ombrage,
Meritent mieux mon amour.

Je goute loin des allarmes,
Des muses l'heureux loisir;
Rien n'expose au bruit des armes
Mon silence & mon plaisir.
Mon cœur content de ma lyre
A nul autre honneur aspire,
Qu à chanter un si doux bien.
Loin, loin, trompeuse fortune,
Et toi, faveur, importune,
Le monde entier ne m'est rien.

En quelque climat que j'erre,
Plus que tous les autres lieux
Cet heureux coin de la terre
Me plaît & rit à mes yeux.
La, pour couronner ma vie
La main d'une parque amie
Filera mes plus beaux jours;
La reposera ma cendre;
La Tyrcis† viendra, repandre
Les pleurs dûs à nos amours.

TRANSLATION.

AN ODE, BY FENELON

ARCHBISHOP OF CAMBRAY.

YE mountains'‡ drear, that undergo
An everlasting winter's snow,
Whose tow'ring tops aspiring rise
With hideous height to prop the skies,
Above your heads, above the clouds,
Whose veil your awful summit shrouds,
I gather oft the prime of spring,
And o'er the earth's stupendous ball
I hear deep thunders murmuring
And a thousand torrents fall.

The Thracian mountains pil'd on high
Assay'd to reach the neighbouring sky,
When once the rebel-giants strove
To scale the blissful seats above,
Your summits thus compose a plain
Far greater mountains to sustain,
Which with fastidious grandeur rear
Their impious fronts to meet the sky,
And seem the tempest's rage to dare,
And all th' embattled winds defy.

Soon as Aurora's rosy hand
Diffuses brightness o'er the land,
And all these mountains richly dight,
Reflect the lustre of her light,
The tender lambkins bleat ther love,
And through the verdant pastures rove,

* Ulysse.
† M. L'Abbe de Langeron.
‡ The mountains of Avergne where he then was.

The grove with unpierc'd shade imbrown'd,
The stream which murmurs as it goes
Invite the flocks and shepherds round
To court the sweets of calm repose.

The landscape formed by nature's hand,
Where all is simple, all is grand,
Charms and suspends my ravish'd gaze,
From where my pensive river strays,
Which calm and undisturbed flows,
No wanton winds dare discompose,
The eye of heaven's unclouded ever,
No frowns of winter interfere,
The Spring from Autumn to dissever,
Which reign triumphant thro' the year.

Beside my lonely hermitage *
A river roars with headlong rage,
It's sound disturbs the voices of song,
It falls, and foams, and pours along.
Two blissful islands bless the sight,
Whose waving woods the Muse invite,
My fancy kindles into fire,
At all the various scenes of spring,
Oh! for a hand to strike the lyre
To numbers such as Gods might sing.

The breath of Zephyr cheers the earth,
And calls our vernal bloom to birth,
He waves the golden harvest here,
And bids it crown the fruitful year,
Here see propitious Ceres stand
To swell our stores with liberal hand,
His blessings Bacchus self bestows,
And deep in purple dyes the vine,
While the delighted valley flows
With mountain floods of jovial wine.

The distant prospects claim the eye,
Where hills and vales successive lie,
The gilded furrows fade away
In objects more remote than they,
And hills and plains and vallies rise,
Half way to meet the bending skies,
The sloping skies with downward gaze
In smooth canals their image know,
And nature stands in deep amaze
To see another world below.

Here Spring and Autumn hand in hand
Strew fruits and odours o'er the land,
In long festoons the vine depends
And with its blushing honours bends,
The river stays in every Isle,
To see the happy meadows smile,
The smile reflected in his glass
When smooth and slow his waters glide,
Or swiftly to new beauties pass
And rudely lave th' enamell'd side.

On violet banks the shepherd swains
With dance and pastime glad the plains,
The voice of music fires around
With flutes' and pipes' and hautboys sound,
Each warbling songster lends a lay
To banish sorrow far away.
Ye tender, plaintive, faithful doves
And turtles, ye alone complain,
While your deep murmurs fill the groves,
And tell your sadly-pleasing pain.

The earth to ease my weary head
Presents her soft and flowery bed,
Where oft my roving fancies fly
Beyond the reach of Reason's eye,
Such pleasing phrenzy here I prove
As Gods might envy from above,
So have I seen the courts of kings
With false and glittering splendours shine,
But not in all those empty things
Delusion sweet can equal mine.

When thunders rend the bursting sky,
And earth's proud offspring trembling lie,
Beneath this shade I always find
A safe retreat from rain and wind,
Here heavenly taught enraptured look,
On truths divine in Nature's book,
Then turning to the letter'd age
The charms of fiction I admire,
Or from the old historic page
I learn to catch their living fire.

The wise Ulysses I survey,
The sport of fortune's fickle play,
How calm amidst the tempest's roar,
And how deliberate on the shore,
By night, by day he braves the main
To see his native rocks again.
Oh how my rebel fancy frames
Transcendant pleasures in the grove,
Oh how its gentle coolness claims
My admiration, praise and love.

Remote from every idle fear
The Muses deign to linger here,
No martial sound or voice of riot
Presumes to mar my peaceful quiet,
This care alone my heart employs
To sing the transports it enjoys;
Deceitful fortune, far away,
And thou tormenting love of fame,
This leads the impassioned world astray.
And that is but an empty name.

In whatsoever climes I roam
Remote from this my happy home,
No spot in all the world I find
So correspondent to my mind,
My sweetest days here let me lead,
While friendly fate prolongs the thread,
Then when my relicks slumber here
Where once I took delight to rove,
Let Tyrcis* come and drop a tear
To friendship due and mutual love.

A.S.

*Carenac, a little Abbey on the Dordogne, which he had then.

* The Abbot of Langeron.